

STEVEN BENITO RUSSO
Chief of Enforcement
JULIA BILAUER
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of)	FPPC No.: 00/593
)	
HENRY M. DUQUE,)	STIPULATION, DECISION AND
)	ORDER
)	
)	
Respondent.)	

Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and Respondent Henry M. Duque hereby agree that this stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this stipulation to resolve all factual and legal issues raised by this matter, and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondent.

Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural rights set forth in sections 83115.5, 11503, and 11523 of the Government Code, and in section 18361 of title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally appear at any administrative hearing held in this matter, to be represented by an attorney at Respondent's own expense, to confront and cross-examine all witnesses testifying at the hearing, to

subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

It is further stipulated and agreed that Respondent Henry M. Duque violated the Political Reform Act, by making nine governmental decisions in which he had a financial interest, in violation of section 87100 of the Government Code (9 counts), as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

Respondent agrees to the issuance of the decision and order, which is attached hereto. Respondent also agrees to the Commission imposing upon him an administrative penalty in the amount of Eighteen Thousand Dollars (\$18,000). A cashier's check from Respondent in that amount, made payable to the "General Fund of the State of California," is submitted with this stipulation as full payment of the administrative penalty, and shall be held by the State of California until the Commission issues its decision and order regarding this matter. The parties agree that in the event the Commission refuses to accept this stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which the stipulation is rejected, all payments tendered by Respondent in connection with this stipulation shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Commission rejects the stipulation and a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this stipulation.

Dated: _____

Mark Krausse, Executive Director
Fair Political Practices Commission

Dated: _____

Henry Duque, Respondent

Dated: _____

Thomas A. Willis, Remcho, Johansen & Purcell
Attorneys for Respondent

1 **DECISION AND ORDER**

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3 The foregoing stipulation of the parties “In the Matter of Henry Duque, FPPC No. 00/593,”
4 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
5 Practices Commission, effective upon execution below by the Chairman.

6 IT IS SO ORDERED.
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9 Dated: _____

10 Liane M. Randolph, Chairman
11 Fair Political Practices Commission
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